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THE
PRIVILEDG
AND
RIGHT
OF

The Free-men of *London*, to Chuse their own
SHERIFFS.

And the Right of the SHERIFFS to Manage,
Conduct, and Declare the Election, farther Cleared,
Re-inforced and Vindicated.

FOR Citizens Modestly to Assert and Justifie their Rights, can ad-
minister Offence to none, unless to such as Envy their having any
Priviledges or Jurisdctions; or to persons that would either wrest
from this famous Corporation whatsoever it enjoys by Prescripti-
on, Charter and Law; or from a Principle of weakness, if not up-
on a worse Design, tamely surrender them. And we judg our selves the more
Pardonable in re-assuming this Debate, by finding some Papers already Pub-
lished on this Subject, unjustly Censured and Reproached, as *containing false
insinuations*. But if the naked Authority of my Lord Mayor and the Court
of Aldermen, do not impress and influence the minds of men more than the
late Print, stiled *A brief Collection of the Records of the City touching Election
of the Sheriffs of London and County of Middlesex*; we doubt not but to make
appear, That what Mr. Town-Clerk, who is the Author of the said Collection,
calls *false insinuations*, are Truths not to be rationally controlled, and which
all unbiased and unprejudic'd persons, do either already acknowledg for such,
or upon giving themselves liberty to enquire impartially into these things,
must unavoidably confess to be so.

'Tis certain that the Priviledg of chusing *Sheriffs* in all the Counties of Eng-
land, did anciently belong to the *Free-holders*, or to the *Suiters* in the seve-
ral and respective County-Courts; and that Right they long enjoy'd with-

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see Cooks 2.
Instit. fol. 552.
Camb. Six.
Laws, fol. 146.
out

out the Authority of any Act of Parliament or Statute, meerly by vertue of the Common-Law of the Land, upon the foundation of immemorial usage. And this *Ed. 1.* in the 28 year of his Reign granted and confirmed by Act of Parliament, to all his People, if they pleased to make use of the said Priviledg; but with this Provision and Caution, *if the Sherifalty was not in Fee*; intimating that the said Act did no ways refer unto such, but that they were to possess and enjoy their former Priviledges, Usages and Rights, according to the Grants made unto them upon the said *Fee* or *Fees*.

But forasmuch as through the neglect of the most considerable and wisest *Free-holders*, to attend the County-Courts, in order to the making such Elections, weak, mean, and insufficient *Sheriffs*; were often chosen and returned; therefore in the 9 of *Ed. 2.* it was Enacted and Ordained by Parliament, that from thenceforth *Sheriffs* should be assigned by the *Chancellor, Treasurer, Barons of the Exchequer*, and by the Justices. Which Statute, though it hath since obtained in the several Shires of the Kingdom, as to the manner of Electing *Sheriffs*, yet it no ways extends to *London* and *Middlesex*; nor have they any concernment in it, because both by antecedent and subsequent Charters of our *English* Princes and Monarchs they have and enjoy the Election of their own *Sheriffs*, settled and vested in them. And this Statute being a Repeal of the Statute of the 28 of *Ed. 1.* which excepted all those places which held their *Sheriffwicks* in Fee from any room or place in the said Statute, it plainly follows that the Priviledg and Right which the City of *London* anciently enjoy'd of chusing their own *Sheriffs*, is secured and confirmed unto them.

Lib. K. fol.
130. in Archib.
Lond.

Nor will or can it be denied, but that the *Citizens* or *Freemen* of *London*, have and enjoy by the Charters and Patents of the Kings of this Realm, the Right and Priviledg of Electing annually the *Sheriffs* of *London* and *Middlesex*. For as *William the Conqueror*, with the consent & *Authoritate* *Parliamenti*, and by the Authority of *Parliament*, did Grant and Confirm *Civibus London vicecomitatum ejusdem*, to the *Citizens* of *London* the *Sheriffwick* thereof; So *Hen. 1.* Son to the said *William*, granted to the *Citizens* of *London* and their *Heirs*, the *Sheriffwick* of *Middlesex*, at the *Fee-farm* of Three Hundred pounds per annum.

And as both these Charters are ratified and confirmed by the Charters and Grants of *Hen. 1.* *Hen. 2.* King *John*; so the same Priviledges and Rights are devised unto them by the Charter of *Rich. 2.* who lived and reigned after *Ed. 2.* in whose time the Right of chusing *Sheriffs* was by Act of Parliament taken and withdrawn from the *Freeholders* and *Suiters* of the several Shires and Counties of the Kingdom. But we need the less to insist upon this, it being allowed and granted by the present *Lord Mayor* and Court of *Aldermen*, in the first Paragraph of the Paper which they have caused lately to be published in Vindication of his Lordship from innovating, in assuming the power of chusing a *Sheriff*, and imposing him upon the City. We shall therefore only crave liberty to mention two things, whereof the first is, that the electing *Sheriffs* is founded originally upon *Prescription*, and not upon *Charter*, otherwise the *Charters* would not meerly say, That the *Citizens* are to chuse *Mayor* and *Sheriffs*, but they would prescribe and appoint in what manner, and at what time they should do so. Nor is this my private or particular Notion, but it is the Sense and Opinion of *Serjeant Maynard* in his Argument at *Guild-Hall* Decemb. 14. 1650. where he says, *That the reason why a general Grant was made*

See London
Liberties p. 16.

made to the Citizens to chuse their own Sheriffs, was because it was their Right by ancient usage and custom.

The 2d Thing I would take notice of, and recommend to every mans consideration is this; namely, That if by the Charters the Citizens are to chuse their own Sheriffs, as is confessed in the foresaid Paper published by the Order of my Lord Mayor and the Court of Aldermen; then neither his Lordship, nor they can claim the Election of a Sheriff without direct contravention, and upon violation of the Charters, which in several Capacities, and by divers Oaths they are both bound and obliged to keep and preserve from all Violation from others, and to conform unto, and stand by themselves. But nothing is surprizing from persons, who both contrary to their Oaths implead and sue Freemen out of the City, when they may have Right and Law within the same; and in direct Opposition to the Plea put in for the Defence and Preservation of the Charter, wherein it is alledged and pleaded, That it is the right of the Citizens to chuse their own Sheriffs, substitute and insist upon a Claim perfectly opposite thereunto.

And tho the Town-Clerk in the Paper authorized by my Lord Mayor and the Court of Aldermen, hath no ways done truly and fairly in reciting the Records of the City concerning the Election of Sheriffs; yet he hath plainly supplanted and overthrown my Lord Mayors Right of Electing a Sheriff, by acknowledging that the Commons have so often withstood it; and in direct Opposition to the Claim of the Mayors, have as well named, as elected both the Sheriffs. For so many Instances as himself produceth, being quietly acquiesced in, and submitted unto, are according both to the universal Reason of Mankind, and the common Law of Nations, more than enough to subvert and overthrow any pretence to the contrary, especially one that contradicts the fundamental Laws of the Corporation, and the Grants by which it challengeth its Rights and Priviledges.

See paragraph 14.

Nor do I much wonder at their forgetfulness and neglect of common Usages and known Records, seeing their memories are not so tenacious as to retain the remembrance of what themselves confessed on Friday, June 23. upon the hearing of Mr. Recorders Speech. For then my Lord Mayor himself, however since influenced and perverted, not only freely subscrib'd to what the Recorder said, as to the Rights of the Citizens in chusing both the Sheriffs, but seem'd fully purposed and resolved to take his measures, as indeed he ought, and to act accordingly. But how falsely doth Master Town-Clerk both impose upon the Court of Aldermen and the City, in reciting the Act of Common-Council, of the 21th of Edward 3. seeing besides that the Entries in the 42d and 43 of the said Edward 3d, do plainly express, That the Sheriffs were chosen in the Court of Common-Hall, at Guild-Hall, where were assembled the Lord Mayor and Aldermen, & quamplurimi, and very many Citizens; in which Court the Sheriffs were chosen, ex communi assensu, by common consent; I say besides this, that very Act of Common-Council says, That he shall Name the Person he would have chosen, provided he were present, and that the Commons concur with him, and do the same.

Nor needs there any more to overthrow and render ridiculous the Paper published by the Order of Lord Mayor and the Court of Aldermen, than the acknowledgment which is made by the Town-Clerk in the said Print; Namely, That by an Act of Common Council in the 4th of Henry 5th, it is ordained and provided, That the Sheriffs are to be freely and indifferently chosen by the more sufficient Citizens summoned to those Elections. Only I can-

not but wonder at the Perjury as well as disingenuity of the man, that he should not only add things which are not in the Records, but that he should both to the imposing upon the Court of Aldermen and the City, conceal what he cannot but have found there, if he did with the least care and fidelity peruse them. For besides his reciting of precedents which seem to make in favour of my Lord Mayors chusing one Sheriff, he not only conceals the Common Halls free voluntary chusing of the said Persons nominated by the respective Lord Mayors before they could be capable of serving in the Office; but both contrary to his Oath, as well as the principles of Justice and Honesty, he reserves and conceals from his Lordship and the Court of Aldermen, the Cases wherein the Free-men have contended and disputed this pretended Prerogative of the Chair, and made the Mayors abandon and desert their usurped claim and pretence. Nay, all the custom and usage which the Mayor challengeth his Perogative and claim upon, is many years after the time that gives rise and foundation to Prescription. So that his Lordships Prerogative of chusing yearly one Sheriff being precluded both by Prescription and Charter, it is no otherwise to be accounted off, but as an invasion and usurpation upon the Rights of the Corporation. And the very particular Cases whereby my Lord Mayor's pretended Right of chusing one Sheriff, is supported and justified, do all of them insinuate and imply, That the free and indifferent confirmation and allowance of the said Persons to be Sheriffs, belonged unto, and was vested in the Free-men of London. Accordingly in the 21th of Hen. 8th, we find a Letter directed to Ralph Powlet, bearing date the 2^d of Sept. which being subscribed by my Lord Mayor and the Court of Aldermen, they therein inform and acquaint him the said Powlet, that the Citizens of the Kings City and Chamber of London had elected and chosen him to be one of the Sheriffs, and be to associate to and with Michael Dormer, before named and appointed by the Mayor, and that day by the said Citizens ratified and confirmed.

Lib. O. fol.
158. in Ar-
chiv. Lond.

Lib. Dunthorn
fol. 442.

And it is very remarkable, that when the Lords of the Privy-Council in the 6th. of Hen. 5. long after the 21. of Ed. 3. had upon the death of one John Bryan, in the time of his Shrivality, demanded of my Lord Mayor and Aldermen by what Right and Authority the City chose Sheriffs? how thereupon the Mayor, Aldermen, and principal Citizens replied, by their Recorder, That *inter ceteras Libertates, &c. among other Liberties and Priviledges granted to them by Charter, and confirmed by divers Parliaments, they had allowed and devised unto them, quod Cives Londini faciant Vicecomites de seipsis quoties voluerint, & eos amoveant quando voluerint; That the Citizens of London should chuse from among themselves their Sheriffs, and remove them whensoever they would, &c.* With which Answer the Lords of the Privy-Council being fully satisfied, they declared that the Mayor, Aldermen and Commons should enjoy and use the custom of Electing Sheriffs, as they had anciently done; and accordingly the Mayor and Aldermen convocata communitate ad Guild-Hall, having called and conveyed the Commons to Guild-Hall, they there together chose one John Perneys to be Sheriff in the room of John Bryan who was deceased.

Yea, the Act of Common-Council in the 7th. of Charles the I. made for the Regulating the Election of Sheriffs, and which repeals all former Acts made touching and concerning that matter, reserveth to the Common-Hall the confirmation and allowance of such as shall be thereafter chosen and elected by the Lord Mayor to be Sheriffs. Which plainly intimates, that what is called my Lord Mayors Election, is no more but a Nomination; and that those of the Livery have still a Right and Priviledg to disallow and refuse the Persons so presented un-

to them by the *Mayors*, and no man can by vertue of what is stiled the *Mayors* Election, be lawfully *Sheriff* of *London*, unless he be confirmed and allowed by the Commons.

And as no Act of Common-Council that interferes with, and destroys the Charter, can be of any legal force and validity; so the many Cases wherein the Commons have refused to allow and confirm these persons for *Sheriffs*, whom the *Mayors* have by their claim'd Prerogative pretended to chuse, most evidently shews, that what is vulgarly stiled the *Mayors* Election of a *Sheriff*, is nothing but a bare nomination, and a tending such a one to be considered of by the *Hall*, in order to their chusing of him, if they think it for the Interest of the City so to do. And if but few have been rejected by the Commons, that were proposed by the *Mayors*, it is only an Evidence of the Wisdom of those that have heretofore sat in the Chair, in that for the most part they recommended such as the Citizens could safely devolve that Trust upon; but it is no Argument that their Lordships have an Arbitrary and Uncontrollable Prerogative and Jurisdiction vested in them, as to this matter. And had the present Lord Mayor shown but the same temper and discretion that most of his Predecessors have done in this case and particular, his recommendation of a fit Person to the Commons for *Sheriff*, would have been entertained and received with the same deference and respect that hath been expressed by the *Hall*, in reference to former nominations of this kind. And tho Mr. *Town Clerk* hath had no regard to Truth, Honour, Justice or Conscience, in the Paper that he imposed upon my Lord Mayor and the Court of *Aldermen*, and which they by an implicate Faith have caused to be published with an annexed Order of his Lordship and their Worships, to give it Weight and Authority; yet his very acknowledgment of five or six interruptions of this Custom, is enough with all rational men, to destroy and set aside all pretence unto it. Only because his Memory seems not to be good, or at least his Knowledge in the City Records very slender and imperfect, I will presume to put him in mind, that besides the several instances that are assigned in some Papers lately published relating to this Subject, wherein the Citizens chose both the *Sheriffs*; there are three other Instances wherein the Commons did the same, and that both in years successive one to another, as well long before the commencement of the late Troubles, namely in the 28, 29, and 30. of Queen *Elizabeth*.

Nor let any say, That because some persons have Fined upon my Lord *Mayors* drinking to them, before they were allowed or confirmed by the Common-Hall, that therefore there is a Right in my Lord Mayor of Electing one *Sheriff*, seeing their submitting to Fine meerly upon my Lords Drinking to them, is more than they were obliged unto, and which some have refused to do, till they were confirmed and chosen by the Common-Hall; so the only reason why others have done it, was from an apprehension that the Commons might upon the *Mayors* recommendation, chuse them sooner than those of whom there had no previous mention been made.

But the falsifications of Mr. *Town Clerk* in the forementioned Paper which is authorized by my Lord Mayor and Court of *Aldermen*, are too many to be taken notice of at present; and therefore must be adjourned to a future discourse, wherein we shall not fail to expose him under all the Characters which both render him unworthy of his Employ, and lay him obnoxious as well to the Justice of a Parliament, as the deserved Recentments of the City. Nor do I know but of one Objection which can be advanced with any plausibleness against what hath been here asserted and declared, namely, That if the Election of *Sheriffs*, notwithstanding the Demise and Grant thereof made to the *Barons* and *Free men*, can be confined and restrained to the *Livery*,

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that by consequence and parity of Reason, it may be as well transferred unto, and devolved upon the *Mayor*. To which I first answer, That the Free-men constantly to the Charter, do still chuse and elect those Officers, tho all that are of the Companies do not so. For whereas there was a Statute made in the 28th of Ed. 1. That the people in the several Counties of the Kingdom should chuse their respective *Sheriffs* or *Conservators* of the Peace, yet there was nothing more evident and clear, than that only the *Freeholders* were both to nominate and elect them.

Secondly, I say, That all the Free-men do chuse, tho they do not so by their personal and particular Votes. For example, the Nation in the Election of Parliament-men is said to chuse its own Representatives, and yet only the Free-holders, and those so such a Yearly value, are admitted to Vote in their Election.

I reply Thirdly, that forasmuch as the Common Council have a Suffrage in the Election of those Officers, that therefore by consequence all the Free-men by whom the Members of the Common Council are chosen, and whom they do represent, may very justly and congruously be said to Elect them.

Nay Fourthly, as the ground and foundation of transferring the Election of *Sheriffs* to the *Livery*, was to avoid inevitable Murmurs and Riots, and to comply with the necessity, which the multitude of Free-men constrained and obliged the City unto; so unless Elections by those of the Gown, be acknowledged Good and Legal, not only are bargains by the City Officers, since Ed. 1. *ipso facto*, null and void; but the present Magistrates are answerable for whatsoever they have done in their respective Places and Offices, as Usurpers and Intruders.

5ly. This very Case concerning the legality of Election of City Officers by the *Livery*, with an exclusion of the rest of the Free-men, hath both come into debate, and received its decision heretofore. For Cook tells us in in the 4th part of his Reports fol. 77, 78. That it being propounded to Popham, Anderson, and all the rest of the Judges, Whether an Election by the *Livery* in opposition to a popular choice was good and legal? how all of them unanimously accorded and resolved that it was so. And he further adds, That this was not only resolved upon per les Justices sur grand deliberation el sur conference au enter Mesnes, upon great Deliberation and Conference with one another; but that it was both el bien Garrant per leur Charters, el es ancient & continual usages ouint estre in Londres, but that it was agreeable and consonant to the Charters, Customs, and the Usages of the City of London.

6ly. The Election by those of the *Livery* stands ratified and confirmed both by Charters and Acts of Parliament. For as it's acknowledged, That as the Election of the *Livery* begun before the time of Rich. 2. so it is most ungainsayable, that the foregoing Customs, and Usages of the City, are fully ratified and established by the express Charter of that King, and by the *Inspeimus*s and Confirmations of his Royal Successors.

Lastly, seeing we hear a Rumor of some mens retreat unto this, as their last reserve; we dare make bold to tell them, That for one we have in the Common Hall against my Lord *Mayors* electing a *Sheriff*, we are sure of Five for one, if all the Free-men be convocaed and admitted to that Election.

Having thus briefly discoursed the Right and Priviledg of the Common-Hall to chuse the *Sheriffs* of *Eondon* and *Middlesex*, we are in the next place, to enquire into the Priviledg, and after the Authority of the *Sheriffs* for the time being to manage and declare the Election. And indeed, so much hath been said to justify and confirm this in a former Paper, to which neither Mr. *Town-Clerk*, nor any other hath made the least Reply, That it were wholly needless to add any thing more, did not my Lord *Mayors* taking upon him, June 25. to dissolve the *Poll*, and his Lordships and some other mens behaviour since, make us apprehensive that there are no Laws, Usages or Customs which will not be invaded and

and broke through, towards the obtaining *Sheriffs* that may serve particular ends and designs. For as we will not enquire into the late Commitment of the present *Sheriffs*, nor how any could take Cognizance of it in the manner they did, being in reference to a matter that is still *sub judice* whether it was so, as it was represented and sworn at the Board; so neither will we take upon us to determine, whether the Commitment of those Officers is consistent with the Statute of the 16th of *Charles the first*, Cap. 10. being in Relation to a Cause that is triable at the Common Law. But tho we will not enquire, and much less make any Reflections upon these things, yet this we will assume the liberty to say, That either my Lord Mayor is liable to answer, and in due time to account for all the Complaints which some persons have made at *White Hall* against their Governours, as well as fellow-Citizens; or else they that did so without his Lordships leave, may find themselves obnoxious to be disfranchised upon that Account. For there is an express Act of Common-Council made in the 8th of *Rich. the 2d*. *That none shall apply to the King, or Queen, or other great Lord, for any thing against the Governours and Government of the City, without leave of the Mayor; and that if they do make any such application, they shall thereupon be disfranchised.*

And as to the case and matter before us, there is nothing more certain, than that it hath been the common usage of the City, That the *Sheriffs* for the time being, have always managed and conducted the Election for new *Sheriffs*; and have, without the interposure of any to hinder or control them, declared upon whom the majority of Hands or Votes have fallen. Nor do either the Records of the City, or the Books of Entry furnish, or afford us so much as one Instance or Example to the contrary. Nay, so little is my Lord Mayors concernment in this Affair, that it hath been the constant and uninterrupted custom, That immediately after the Nomination of the persons, who stood proposed for the Trust and Office of *Sheriffs*, the Mayors have always together with their Brethren the Aldermen, left the Court; and as the Record bears so far back as *Hen. 6th* withdrawn *ad Camerae superiores*. Where by the way, the reason of my Lord Mayors withdrawing, is not because he hath elected one *Sheriff*, whom he leaves the Commons only to confirm, but because having secured his Right of a Free-man in the choice of the same Officers, by his Nomination of one to the Hall to be allowed or disallowed, as they see good; he would not lessen the Grandure and Dignity of his place in continuing in a Court, where he is not to have the Direction and Conduct of Affairs. Nor doth his proposing one person to the Hall, to stand candidate for the Shrivalty, debar or preclude his Lordship from a Right and Liberty of voting in the Election of the other. And this we believe it would soon claim, if through the equality of the Votes of the Commons for Mr. *Papillon* and Mr. *Dubois* upon the one hand, and Mr. *North* and Mr. *Box* upon the other; the choice were not otherwise to be decided but by his and the Aldermens suffrages. And for the Mayor to preclude the *Sheriffs* from conducting and declaring the Poll, is such a piece of Arbitrariness, which as never any had the Confidence to claim in the Election of those Officers before Sir *John More*; so it is an high Offence against the Common-Law of the Land, as well as a Contravention of the Customs and Usages of the City. And if any would but discourse this matter with the learned and unbiassed persons of the Town, they would tell them, That a *Sheriff* is an Officer so interwoven with a Poll, that it is not to be managed without him. Nor is there any thing more certain, than that, when the power of electing *Sheriffs* stood vested in the Freeholders of the several Counties of England, the *Sheriffs* for the time being, did always govern and publish the Choice.

And as London is not only a County, but still retains the Priviledg and Right of chusing its own *Sheriffs*, so we may very rationally conclude, that whatsoever anciently belonged to the *Sheriffs* of the Shires before the Suits in the County-courts, were by Act of Parliament deprived of that Jurisdiction and Liberty of chusing their respective *Sheriffs*, still remains settled and established in the *Sheriffs* of London.

Yea we have a Ruled Case, wherein the Mayor is adjudged to have nothing to do, either in the governing of the Poll, or adjourning the Court of Common-Hall, when such an affair lies before them. And seeing nothing but Ignorance of it can be at the bottom of some mens acting as they do, I shall here give a brief account of it from the very Record.

One *Turner* standing Competitor with another, in the year 1670. for a Bridg Masters place, and a Poll being demanded and granted for the decision of the Election between the two persons that were named and put up; Sir *Samuel Sterling* being at that time Lord Mayor, and perceiving after some proceed in the Poll, that the Election was by the Votes of the Majority, like to fall upon *Turner*, did from a pique which he bore to the said person, and in order to prevent his being Elected to the place of one of the *Bridg-masters*, assume and usurp the power of dissolving the Court. Whereupon *Turner* finding himself agrieved, did immediately after *Sterling* was out of his Mayoralty, commence an Action

of the Case against him, in one of the Law and Justice Courts at *Guild-Hall*. And as it is very remarkable, that the foundation of his Action was, That the Mayor had neither power, nor ought to dissolve the Common-Hall without the Consent of the major part of the Livery then and there present; so notwithstanding the favour and interest which Sir *Samuel* was supposed to have in the Judge of the said Court where the Cause was Tried, he obtained a Verdict against him, and that by a Jury of Citizens, who both best knew the Rights and Usage of the City, and being upon their Oaths, and that at a time when there was none of those rancours and animosities which tempt men to Injustice and Perjury, are to be believed to have proceeded according to the Rules of Law, and the Dictates of their Consciences. And whereas *Stirling* not thinking fit to acquiesce in the said Verdict, moved for an *Arrest of Judgment* in the *Common-Pleas*. We desire that all would take notice how that after several days hearing and arguing of the Cause before the Judges of the said Court, (of whom *Waller* who had been Recorder of the City, and knew the Laws, Privileges and Customs thereof, as well as any man alive, was one) Judgment was given against him, which could no way have been, provided my Lord Mayor had been Judge either of the Poll or Court; seeing all acknowledge that whosoever is the proper Judge, he may by virtue thereof Adjourn or Dissolve the Court without the leave and approbation of any other persons. And which yet more effectually serves to the silencing of all Gain-sayers who have not renounced Sense and Modesty, it is worthy of our observation, how that *Stirling* not willing to hold himself condemned by a Judgment against him in the Court of *Common-Pleas*, brought the Cause by a *Writ of Error* into the Court of *Kings-Bench*. But instead of obtaining the Judgment to be there reversed, that Learned, Just and Excellent Person, my Lord Chief Justice *Hales*, would not so much as suffer it to be argued, but immediately confirmed the Judgment; saying, That if my Lord Mayor should be allowed such a Right, Privilege and Prerogative, as to Dissolve the Common-Hall without the consent and leave of the greater part of the Free-men, this would directly tend to the subversion of all the Privileges of this great and famous City.

Now I neither find, hear or know but of two things that can with any consistency to Logic or reason, be objected against what hath been here thus briefly declared. The first is, That my Lord Mayor hath the power of calling and convening the Commonalty and Citizens of London, and that therefore he is Judge of the Court, and hath the governing of all the Affairs transacted in the Assembly. To which I say, That as the calling them together is but a ministerial Office and Service, so it is trusted with my Lord Mayor merely out of Civility and Complement. Nbr will any man say, that when the Citizens were anciently called together by the Ringing of a Bell, as beyond all contradiction they were for some Ages, that therefore any Jurisdiction over the said Court of Barons and Free-men, was lodged in the Bell, or the person that rung it.

The second thing alledged by the Advocates of my Lord Mayors Right, is, that the Election of Sheriffs is transacted at the Court of *Hustings*, and that that Court being properly his, he is therefore Judge of all that doth there occur, and comes under management in that place. To which I reply, 1. That the Election of these Officers was anciently at a Court called *Falkmote*, which assembled in a Field between *St. Pauls Church* and *Baynards Castle*; and in that Court did the Supreme Power of the Citizens of London, for a long time subsist. And as it was only by reason of the inconveniencies of meeting *sub Dio*, or in the open Air, and upon the reduction of the Election of all the Free-men to the Livery, that the said Court was removed and transplanted to *Guild-Hall*, so the meeting of the Citizens there at the *Hustings*, is only for the accommodating the Mayor and Aldermen, that they may be the better out of the Crowd. 2. I say, That the Court of *Hustings* which my Lord Mayor in conjunction with some of the Aldermen and the Sheriffs useth to Adjourn, is properly a Judicial Court for Enrollment of Deeds, and for ordinary Proceedings in Cases between Citizen and Citizen; and by consequence vastly different from a Court of Common-Hall. For were the Court of *Hustings* the same with a Court of *Common-Hall*, it would follow that the Citizens were obliged to pay their Attendance there every *Tuesday*. And as no Summons issues out to warn the Citizens to be Weekly present at the Court of *Hustings*, so it is a clear Evidence that the Court of *Common Hall*, which never Assembles but upon Summons, is of a perfect different kind, and altogether distinct from it.

Thus Fellow Citizens, we can only Discourse to the reasons of men, but we cannot conquer their Prejudices. And therefore as we have said enough to vindicate your Privileges and Rights; so pray remember, that they are not only all at stake, but that the eyes of the World are upon you how you will maintain and defend them.